

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RASHEEDA SALEEM,

Plaintiff

v.

C.A. No.: 3:13-cv-4911

PROCOLLECT, INC., a Texas corporation, and
BARRY L. CURTIS, an individual,

Defendants.

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, RASHEEDA SALEEM, by and through her undersigned counsel, hereby sues Defendants, PROCOLLECT, INC., and BARRY L. CURTIS, and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b).
2. Plaintiff is an individual residing in Cedar Hill, Texas.
3. Defendant, PROCOLLECT, INC., is a corporation formed and existing under the laws of the State of Texas and maintains an office in Dallas, Texas.
4. Defendant, BARRY L. CURTIS, is an individual who at all times acted directly or indirectly in the interest of Defendant, PROCOLLECT, INC., in relationship to Plaintiff; thus, is an employer pursuant to 29 U.S.C. § 203(d).
5. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1337,

and by 29 U.S.C. § 216(b).

6. Venue is proper in this district under 28 U.S.C. § 1391.

7. At all times material to this complaint, Defendant, PROCOLLECT, INC., employed two (2) or more employees and had an annual dollar volume of sales or business done of at least \$500,000.00.

8. At all times material to this complaint, Defendant, PROCOLLECT, INC., was an enterprise engaged in interstate commerce or, in the alternative, owned and operated a business engaged in commerce or in the production of goods for commerce as defined by § 3(r) and 3(s) of the Act, 29 U.S.C. § 203(r) and 203(s).

9. Additionally, Plaintiff was individually engaged in commerce or in the production of goods for commerce and her work was directly and vitally related to the functioning of Defendants' business.

10. Plaintiff worked for Defendants from November of 2011, through June of 2013, as a collection agent in Dallas, Texas.

11. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of forty (40) hours (overtime hours).

12. Defendants failed to act in good faith and/or reasonably in their efforts to comply with the FLSA; thus, Plaintiff is entitled to an award of liquidated damages in an equal amount as the amount of unpaid overtime pay pursuant to 29 U.S.C. § 216(b).

13. Defendants have willfully failed to pay Plaintiff one and one-half times her regular rate of pay for each overtime hour worked.

14. Defendants either knew, or showed reckless disregard for the matter of whether their conduct was prohibited by the FLSA and failed to act diligently with regard to their obligations as employers under the FLSA.

15. The acts described in the preceding paragraphs, *supra*, violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek.

16. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid, but should have been paid.

17. Plaintiff is entitled to an award of reasonable and necessary attorneys' fees, costs, expert fees, mediator fees and out-of-pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, RASHEEDA SALEEM demands Judgment against Defendants, PROCOLLECT, INC., and BARRY L. CURTIS, jointly and severally, for the following:

- a. Unpaid overtime wages found to be due and owing;
- b. An additional amount equal to the amount of unpaid overtime wages found to be due and owing as liquidated damages;

- c. Prejudgment interest in the event liquidated damages are not awarded;
- d. Reasonable attorneys' fees, costs, expert fees, mediator fees and out of pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure; and,
- e. For any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff, RASHEEDA SALEEM, demands a jury trial on all issues so triable.

Respectfully submitted this 18th day of December, 2013.

ROSS LAW GROUP



CHARLES L. SCALISE

Texas Bar No. 24064621

Attorney-in-Charge

DANIEL B. ROSS

Texas Bar No. 00789810

1104 San Antonio Street

Austin, Texas 78701

(512) 474-7677 Telephone

(512) 474-5306 Facsimile

Charles@rosslawgroup.com

VIJAY A. PATTISAPU

Texas Bar No. 24083633

540 East Pleasant Run Road

Desoto, Texas 75115

(214) 716-4597 Telephone

(855) 867-4455 Facsimile

ATTORNEYS FOR PLAINTIFF